

Affidavit of DEA Special Agent Paul Neikirk
To Establish Probable Cause to Arrest Dominic Antonio Harris (02-26-80), Brian Adrian
Drakes (09-19-74), Edward Lee Kearney (04-08-82) and Eric Dynel Winder (03-21-82)

The Affiant

Your Affiant, DEA Special Agent Paul Neikirk, deposes and states as follows:

I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code, that is, an officer empowered by law to conduct investigations of, and make arrests for, offenses enumerated in 18 U.S.C. § 2516.2

Your affiant, Special Agent Paul Neikirk, has been a sworn member of the Drug Enforcement Administration since September 2002. Your Affiant Neikirk has received seventeen (17) weeks of formalized training at the DEA Academy, which included instruction in packaging, pricing, importation, and trafficking methods of CDS violators. He has also received training in informant handling and the debriefing of CDS violators. In addition, your affiant has received training in the area of surveillance and counter surveillance.

Your affiant Neikirk has been involved in numerous major CDS investigations, several of which have resulted in the furtherance of a State or Federal Wiretap Investigation. He has authored or participated in the execution of numerous search and seizure warrants where CDS and related paraphernalia have been recovered. Additionally, he has made and/or participated in the arrest of numerous persons where evidence was found and later analyzed and found to be a controlled dangerous substance.

Your affiant has been assigned to the Baltimore District Office since September 2002. Prior to his current assignment, your affiant served as a police officer for the Harford County Sheriff's Office in Bel Air, Maryland for four years. During the course of his employment in law enforcement, your affiant has made in excess of one hundred felony drug arrests and participated in the execution of over one hundred search and seizure warrants which targeted violators of the

controlled substance laws of the United States of America and the State of Maryland. Your affiant has participated in numerous state and federal investigations where wiretap and clone pager intercepts were employed. He has also debriefed over one hundred (100) individuals who, while involved in CDS activities, have provided law enforcement authorities with information regarding the manner and means of distributing illegal CDS.

Through personal experiences of investigating drug traffickers, your affiant Neikirk has become familiar with methods used by drug traffickers to distribute controlled substances and to contact their distributors and sources of supply. These methods include, but are not limited to, the use of digital display paging devices known as electronic pagers or beepers, and the use of telephones, either landline or cellular service.

Your affiant Special Agent Neikirk has been involved in several court ordered wiretap investigations, where multiple kilograms of cocaine, heroin and marihuana were seized, hundred(s) of arrests were made, and millions of dollars in assets were recovered. Your affiant has listened to in excess of 1000 calls where CDS trafficking was discussed.

The following description of the facts and circumstances is based either on my personal knowledge or upon information provided to me by members of the Harford County Task Force that conducted this investigation.

Description of Facts and Circumstances

On December 8, one Christopher Alves was murdered in Edgewood, Harford County, Maryland. In the course of that investigation, on February 3, 2012, Detectives from the Harford County Sheriff's Office Criminal Investigative Division along with the Harford County Task Force initiated a court ordered interception of electronic telephonic communications of the cellular telephone used by persons related to that investigation. The court orders for interception of electronic telephonic communications were signed by the Honorable Emory Plitt, Judge of the Circuit Court for Harford County, Maryland.

During the course of the murder investigation it was learned that the wiretap targets were

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involved in the distribution of cocaine and crack cocaine. On February 9, 2012, detectives from the Harford County Sheriff's Office Criminal Investigative Division along with the Harford County Task Force initiated a court ordered interception of electronic telephonic communications of several other telephones related to drug trafficking violations. The court orders for interception of electronic telephonic communications were signed by the Honorable Emory Plitt, Judge of the Circuit Court for Harford County, Maryland.

During the interception of telephone calls involving these targets, their source of supply was identified to be **Eric Dynel Winder**, a subject of this complaint. On February 25, 2012, detectives from the Harford County Task Force initiated a court ordered interception of electronic telephonic communications of telephones used by Eric Dynel Winder.

On March 22, 2012, your affiants applied for and were granted an extension to continue intercepting any telephones used by Eric Dynel Winder.

During the course of the investigation, one of Eric Winder's residences was found to be 14 Royal Ann Court in Baltimore County, Maryland.

On Thursday, March 8, 2012 at approximately 1800 hours surveillance units were in the area of Royal Ann Court. Det. Marston was able to observe the parking lot near Winder's apartment, number 14. At 1847 hours Det. Marston observed a dark colored Chevrolet Pick Up truck occupied by 2 black males pull to the front of Winder's apartment. This was consistent with intercepted telephone calls indicating that two subjects from the Washington DC area were going to be arriving there to purchase cocaine. The subjects went inside, and left a short time later at approximately 1911 hours.

Maryland State Police Troopers were standing by in the area to assist with making a traffic stop. At 1922 hours the troopers executed a probable cause traffic stop on the Chevrolet Pick Up truck bearing Maryland registration 7MD9885. A K-9 scan was done of the vehicle which yielded a positive alert. A probable cause search was done of the vehicle which yielded 3 bags of cocaine in a locked toolbox located in the truck bed. The first bag contained 126.5 grams, the second bag contained 56.6 grams and the third bag contained 17 small bags containing cocaine with a total weight of 14.5g.

The driver and passenger were identified. A search of one of the individuals revealed 7.6 grams of marijuana and \$790.00.

Based on the above, your Affiant believes that March 8, 2012 Eric Winder distributed a

the front desk and inquired as to what apartment Sneed was staying in. The employee advised that she frequented condo number "419". A check the front desk revealed that the current resident of unit "419" was **Brian Drakes**. On March 23, 2012 investigators had observed Kearney to be either an operator or passenger in a vehicle registered to Drakes' vehicle (a gold Infinity) at which time Kearey distributed a quantity of cocaine to Devon Demby. Intercepted calls revealed that Eric Winder arranged this transaction. Detectives also found that Sneed had a key on her key chain that opened unit "419".

Your affiant advised Detectives at the scene that he was going to author a Search and Seizure Warrant for the residence located at 1200 S. Conkling St, Apartment 419, Baltimore, Maryland, 21224. Detectives were concerned that the apprehension of Kearney, Sneed and Harris was in close proximity of the residence and that it may have alerted other co-conspirators still inside the unit. This concerned the Detectives at the scene and they feared that subjects in unit "419" could arm themselves or destroy evidence. Detectives made several attempts to get someone to come to the door with no avail. After a short period, Detectives made forced entry into the residence and seized the unit. Once inside, they conducted a protective sweep and located three occupants inside the unit. One of these was Brian Drakes. At about 6:45 p.m. the premises was secured pending the arrival of a search warrant.

A search warrant authorized by Honorable Mimi R Cooper was executed at about 9:45 p.m. A search of the condominium was conducted, and approximately **3,000 grams of cocaine** were located inside a Hamper in the master bedroom closet. The closet contained male clothing and personal papers in Drakes' name were located in the bedroom and elsewhere in the apartment. Detectives also found approximately \$71,000 in US Currency in a trash can in the bathroom. After this drugs and money was found, Brian Drakes informed a detective that everything in the apartment was his, and the other occupants in the condominium had nothing to do with it. Drakes made this statement spontaneously, and was not questioned at that time.

A search warrant was also executed on April 19, 2012 on the residence of Eric Winder at 524 South Paca Street, Baltimore. Antoinette Williams, who is known to be Eric Winder's ^{PN WM} ~~who~~ ^{girlfriend} resides at this residence. Through the investigation Winder had been frequently observed at this location, which has been identified as another residence for Eric Winder. The warrant was signed by the Honorable Judge Mimi R Cooper, Judge of the District Court for Harford County. Winder had just exited the residence as the search team made entry. Approximately 340 grams

of cocaine was recovered during the search. The cocaine was located on the third floor ceiling area. Two bags of cocaine each weighed approximately **125 grams**, and one bag weighed approximately **90 grams**. Winder was arrested. These amounts are consistent with an intent to distribute, and are not consistent with an amount that a user would purchase.

Based on the above facts and circumstances, Your Affiant that probable cause exists to conclude that **Dominic Antonio Harris (02-26-80)**, **Brian Adrian Drakes (09-19-74)**, **Edward Lee Kearney (04-08-82)** and **Eric Dynel Winder (03-21-82)** have violated 21 U.S.C. Section 841(b)(1)(B) or (c), possession with intent to distribute cocaine.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Paul Neikirk
DEA SA Paul Neikirk

Subscribed to and sworn to me this 20th day of April, 2012

Beth P. Gesner
Beth P. Gesner
United States Magistrate Judge